

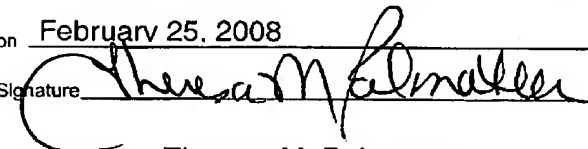
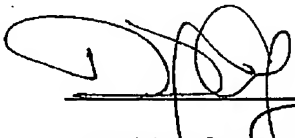
FEB 25 2008

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PTO/SB/33 (07-05)

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PRE-APPEAL BRIEF REQUEST FOR REVIEW		Docket Number (Optional)	
		60469-403PUS1;04416-US-I	
<b>CERTIFICATE OF FACSIMILE</b> I hereby certify that this Pre-Appeal Brief Request For Review and Notice of Appeal are being facsimile transmitted to (571) 273-8300. on <u>February 25, 2008</u> Signature <u></u> Typed or printed name <u>Theresa M. Palmateer</u>		Application Number <u>10/684,171</u>	Filed <u>10/10/2003</u>
		First Named Inventor <u>Richard J. Ericson</u>	
		Art Unit <u>3654</u>	Examiner <u>Langdon, Evan H.</u>
<p>Applicant requests review of the final rejection in the above-identified application. No amendments are being filed with this request.</p> <p>This request is being filed with a notice of appeal.</p> <p>The review is requested for the reason(s) stated on the attached sheet(s). Note: No more than five (5) pages may be provided.</p> <p>I am the</p> <p><input type="checkbox"/> applicant/inventor.</p> <p><input type="checkbox"/> assignee of record of the entire interest. See 37 CFR 3.71. Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96)</p> <p><input checked="" type="checkbox"/> attorney or agent of record. <u>37,139</u> Registration number</p> <p><input type="checkbox"/> attorney or agent acting under 37 CFR 1.34. Registration number if acting under 37 CFR 1.34</p> <p> Signature <u>David J. Gaskey</u> Typed or printed name <u>(248) 988-8360</u> Telephone number <u>February 25, 2008</u> Date</p> <p>NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.</p> <p><input checked="" type="checkbox"/> Total of <u>1</u> forms are submitted.</p>			

This collection of information is required by 35 U.S.C. 132. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11, 1.14 and 41.6. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application: Richard J. Ericson  
Serial No.: 10/684,171  
Filed: 10/10/2003  
Group Art Unit: 3654  
Examiner: Langdon, Evan H.  
For: TRACTION ENHANCED CONTROLLED PRESSURE  
FLEXIBLE FLAT TERMINATION DEVICE

**PRE-APPEAL BRIEF REQUEST FOR REVIEW**

Mail Stop AF  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Sir:

Applicants appeal the final rejection under 35 U.S.C. §102(b) of claims 22, 23 and 25-26 based upon the *Mardis* reference. There is no *prima facie* case of anticipation because the *Mardis* reference does not teach what the Examiner contends. Applicants' claim 22 is reproduced here for convenience.

22. An elevator system having a tension member for suspending the elevator loads and a termination device for the tension member, the termination device including:

a first compressive system to engage and compress the tension member to provide a first retaining mechanism; and

a second compressive system comprising a clamp engaging the tension member, the second compressive system prevents further slippage of the tension member by mechanical deformation of the tension member only when slippage of the tension member through the device first occurs.

As stated in that claim, the "second compressive system" operates by using "mechanical deformation of the tension member only when slippage of the tension member through the device first occurs." In other words, the arrangement of claim 22 causes mechanical deformation responsive to slippage of the tension member through the termination device.

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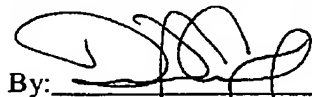
The *Mardis* reference relied upon by the Examiner expressly states that it is impossible for any slippage or distortion of the rope of that reference to occur relative to the device of that reference. Page 2, lines 12-17 of the *Mardis* reference contain the following statement. "It will also be seen that the rope thimble of this invention is clamped securely over substantially the entire loop of the rope, thereby *eliminating the danger of any slippage or distortion whatsoever* of any of the strands or that part of the rope looped around the thimble." (Emphasis added) That is an express statement that there is no slippage, no danger of any slippage, no distortion of any strands of the rope, nor any danger of any distortion of any of the strands of the rope or that part of the rope looped around the thimble in the *Mardis* reference.

Therefore, it is impossible to establish a *prima facie* case of anticipation against an arrangement that utilizes mechanical deformation responsive to slippage. The Examiner has basically interpreted the *Mardis* reference by going directly contrary to the express statement in that reference. A reference cannot be interpreted to mean the exact opposite of what it teaches when trying to manufacture a *prima facie* case of anticipation.

In the Advisory Action, the Examiner indicated that "Mardis utilizes mechanical deformation by use of corrugated grooves 7a, 8a in the first compressive system and corrugated grooves 14 in the second compressive system." The corrugated grooves of the *Mardis* reference cannot be interpreted to operate differently than what is expressly stated in the above-quoted portion of the *Mardis* reference. Any slippage or distortion whatsoever of any strand or the part of the rope looped around the thimble in the *Mardis* reference is entirely impossible according to the express teachings of the reference. Therefore, it is impossible to establish a *prima facie* case against any of Applicants' claims based upon the *Mardis* reference. The rejection based upon the *Mardis* reference must be withdrawn.

Respectfully submitted,

CARLSON, GASKEY & OLDS

By: 

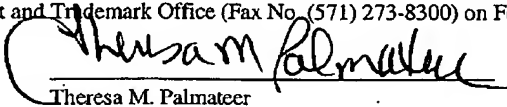
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Dated: February 25, 2008

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**CERTIFICATE OF FACSIMILE**

I hereby certify that this Pre-Appeal Brief Request for Review, relative to Application Serial No. 10/319,429 is being facsimile transmitted to the Patent and Trademark Office (Fax No. (571) 273-8300) on February 25, 2008.

  
Theresa M. Palmateer

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